

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

July 11, 2005

PRESENT: Tom Cowan, Chairman
Rick Meahl
Andy Kelkenberg
Terry Janicz
John Olaf
Christine Falkowski, Planning Board Clerk

ABSENT: John Potera
Don Hoefler

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Bedford's Greenhouse – Parking Lot Expansion **6820 Cedar Street**

The Planning Board voted to approve the site plan in April. Erie County Planning already commented, and the lead agency coordinated review has now been initiated. Newstead Town Engineer requested a drainage plan for Town Board approval, which the owner feels is an added expense and not necessary.

Preliminary Site Plan - Change in Use to Church - McConnaughey **13008 Main Road**

This multi-unit property has an auto tinting business in one part, and a church in the other part that began operating without an approved site plan. This is a change in use (from retail to a church). The Planning Board feels that operations must stop immediately and a violation notice should be sent to Mr. McConnaughey. He will be advised to attend a pre-application conference with the Planning Board. The applicant submitted a hand-drawn floor plan of the interior. A site plan of the property should include egress and ingress, parking spots, handicapped parking, signage, lighting, landscaping and adherence to the Overlay Zone. Tabled for further information.

Same Property: There is a sign on the other side of the building that says “used car lot for rent or lease”. It is a discontinuance of a non-conforming use and cannot operate as a used car lot, plus it no longer meets the Overlay criteria for a used car lot.

Minor Subdivision – (1) Lot – Grace & Howard Brucker **Mill Road**

Grace Brucker attended the meeting. She would like to subdivide a 202' x 658' lot from her 64 acres. She plans to subdivide two more lots in the future. A full EAF, survey and drainage plan were provided. The property drains to the northwest, and swales are planned on the north and south lines. Mrs. Brucker claims that Mill Road was abandoned in the eighties and that the Town took it over. She also claims that a turn around was put in years ago for garbage trucks, and in doing so, the Town messed up the property lines, that they are wrong, and that consequently there is no right-of-way left. Also, there is no road ditch, which is a problem since it is required for septic. Who creates the ditch and at whose expense? Mrs. Brucker claims that the Town knows a ditch is needed here. Nathan Neill entered the meeting. Nathan stated that the Town owns to the edge of the right-of-way and that it is a dedicated road and that water line is being installed there. Nathan feels that the creation of a ditch at Town expense would be warranted only for general drainage purposes; not just because a property owner needs somewhere to drain his sand filter. Andy motioned to approve the one-lot minor subdivision, seconded by John Olaf:

Tom Cowan	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
Andy Kelkenberg	- Aye

Sign Ordinance– portable signs

Prompted by the Zoning Officer's report that there are numerous portable signs along Route 5, the Board discussed possible regulation of size and location. Roadside stands are addressed in our Code, Section 72-6 (I.) whereby one temporary sign is allowed not exceeding 32 square feet and set back at least 15 feet from the edge of the paved portion of the ROW. There is a guy selling produce daily on Route 5 whose sign is too close to the road, could create a hazard, and must be moved back. Other than produce stands, the Board felt that other sandwich-board type signs would be too difficult to regulate.

Minutes Review

Rick motioned to approve the minutes of June 20, 2005, seconded by Andy:

- Tom Cowan - Aye
- Terry Janicz - Aye
- John Olaf - Aye
- Rick Meahl - Aye
- Andy Kelkenberg - Aye

Special Use Permits in RA Zone for Home Based Businesses

The April 4th memo of recommendations went to the Town Board.

Flaglots

The Planning Board received a memo from the Town Board stating that the potential flaglot legislation will be revisited this winter. Other communities are struggling with their present regulations causing them to rework their laws. The Board will look at those revisions.

Subway Restaurant

The Planning Board reported that this site at 13001 Main Road is unkempt with weeds, and that the pole signboard that their sign is attached to is unsightly. Where is the landscaping that was a part of their site plan?

Golden Pond Estates

It appears that a new road is being constructed and that the park is expanding. Was this approved previously on a site plan/master plan?

Route 5 Rezoning

Tom will meet on Thursday with Christine and Becky to prepare a draft Do's and Don'ts Booklet of photographs for the Overlay District.

- Next Agenda deadline:** Friday, July 22, 2005
- Next Agenda meeting:** Thursday, July 28, 2005
- Next PB meeting:** August 1, 2005

Rick made a motion to adjourn the meeting at 9:15PM, seconded by Tom and all approved.

Respectfully submitted,

Christine Falkowski
Recording Secretary